

Remarks/Arguments

The examiner in an Office Action dated 14 August 2003 rejected pending claims 1 and 22, and objected to claims 2-21 as depending from rejected base claims. As such this Office Action and the references cited therein have been carefully considered and this amendment is now presented in an effort to comply with Patent Office requirements and advance prosecution of the application.

The examiner rejected claims 1 and 22, under 35 USC 102 as being anticipated by Behnke et al. Behnke discloses a sensor for detecting structure-borne noise caused by the throughput of harvested crop in a combine. A previous examiner conceded that "...Behnke et al fail to specifically disclose that the sensor is arranged outside of the flow of harvested crop material." The key limitation in claims 1 and 22. Locating a sensor outside of the flow of harvested crop material has the advantage that it does not present an additional obstacle to the flow of crop material. Clearly, Behnke et al appreciated this problem because he kept his sensor slim, but he did not come to the non-obvious solution of moving the sensor outside of the flow of harvested crop material.

The current examiner has reinterpreted Behnke et al as disclosing a sensor that can be located outside the flow of harvested crop material. More specifically, the examiner is relying on a single sentence in the patent stating:

"The pulse detector 14 can also extend beyond the separator or threshing unit width so that the vibration sensor 1 is not exposed directly to the flow of material." column 5, lines 4-7.

It is respectfully submitted that the pulse detector 14 is part of the sensor and it extends into the flow of harvested crop material. From this sentence it appears that the pulse detector 14 from outside the width of the threshing unit and separator into the crop material flow. As such, it would provide an obstacle to the flow of harvested crop material.

In conclusion, it is believed that this application is in condition for allowance, and such allowance is respectfully requested.

Appl No. 10/039,647
Amdt Dated 5 February 2004
Reply to Office Action of 14 August 2003

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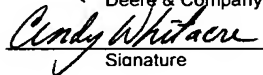
Respectfully,



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